

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 15, 2007, the following members were present:

Greg Jergeson, Chairman
Doug Mood, Vice Chairman
Brad Molnar, Commissioner
Robert H. Raney, Commissioner

Commissioner Ken Toole was absent but left his proxy with Commissioner Jergeson

APPEARANCE
Eric Dahlgren, Utility Division

(196) In the matter of N2007.4.42-NorthWestern Energy. On April 25, 2007, NorthWestern Energy filed a request for approval to implement four new Therm billing zones.

Commissioner Raney moved to approve the establishment of NorthWestern Energy Heating Zones 25, 26, 27, and 28. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE
Scott Fabel, Utility Division

(197) In the matter of N2007.5.43-Qwest Corporation. On May 1, 2007 Qwest Corporation filed for Commission approval Multi-State Agreement between Qwest and Laboratory Corporation of American Holdings.

Commissioner Mood moved to approve Qwest Corporation/Laboratory Corporation of American Holdings in Docket N2007.5.43. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE
Phil Cooke, Utility Division

(198) In the matter of D2004.9.146-Qwest Corporation. On September 2, 2004 Qwest Corporation filed a Petition for Amendment of Administrative Rule 38.5.3339 by adding a new subsection 5(c) related to termination of customers that breached late payment agreements with Qwest.

Commissioner Raney moved to close docket D2004.9.146. Commissioner Mood seconded the motion, which passed unanimously.

(199) In the matter of D2004.12.200-Qwest Corporation. On December 17, 2004 Qwest filed

a Petition for Waiver of ARM 38.5.3339 (5)(b) pertaining to notice requirements a carrier is obligated to provide a customer when late payment arrangements have been negotiated and broken.

Commissioner Raney moved to close Docket D2004.12.200. Commissioner Mood seconded the motion, which passed unanimously.

(200) In the matter of N99.10.230-Qwest Corporation. On April 27, 2007 Qwest requested to discontinue providing the monthly service quality reports to the Commission that has been filed in this docket.

Commissioner Raney moved to close docket N99.10.230. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(201) In the matter of TN2344-Curtis D. Owen dba Owen Waste Collection Service, Big Sandy, Montana, PSC No. 9374, has submitted a verified statement in lieu of the minimum \$5000 in annual revenue or 20 customers per month, in intrastate garbage operations, as required by 38.3.1205 MCA.

Commissioner Jergeson moved to accept the verified statement and allow retention of the certificate. Commissioner Raney seconded the motion, which passed unanimously.

(202) In the matter of the approval of Commission Minutes for the week of May 7, 2007.

Commissioner Mood moved to approve the Minutes for the week of May 7, 2007. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(203) In the matter of the Commission's discussion of D2007.2.21-3 Rivers Telephone Cooperative, Inc.; 3 Rivers' Petition for Arbitration of Interconnection Agreement.

Commissioner Raney moved to grant 3 Rivers Telephone Cooperative motion to withdraw in D2007.2.21. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Mike Lee, Utility Division

(204) In the matter of the Commission's discussion of Federal State Joint Board on Universal Service Seeks Comment on Long Term, Comprehensive High-Cost Universal Service Reform. CC 96-45

Commissioner Jergeson moved to direct staff to draft reply comments as necessary in CC 96-45. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator Utility Division

(205) In the matter of the Commission's discussion of FCC request for comments on petition by State E-Rate Coordinators for clarification and/or waiver of e-rate rules: re-technology plan creation and approval;

Commissioner Raney moved to submit reply comments to FCC that support the petition and the initial comments submitted by the MREA. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator Utility Division
Martin Jacobson, Legal Division

(206) In the matter of the Commission's discussion of D2005.6.105-Qwest Corporation. Investigation of Qwest's use of Federal Universal Service Funds.

Commissioner Raney moved to issue Report, Notice and Procedural Schedule in D2005.6.105. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(207) In the matter of the Commission's discussion of D2006.10.143-Qwest customers formal complaint;

Commissioner Raney moved to adopt the proposed schedule in D2006.10.143. Commissioner Jergeson seconded the motion. Commissioner Toole recused himself from this Docket. The motion failed on a tie vote. Commissioner Mood and Commissioner Molnar voted no.

(208) In the matter of the Commission's discussion of D2007.3.32-Bonneville Power Administration. Declaratory Ruling request to disclaim jurisdiction.

Commissioner Mood moved to issue an order disclaiming jurisdiction in D2007.3.32. Commissioner Raney seconded the motion, which passed 4-0. Commissioner Toole did not leave a proxy on this issue.

APPEARANCE

Leroy Beeby, Utility Division
Jim Paine, Legal Division

(209) In the matter of the Commission's discussion of D2007.3.26-Northridge Water Company. Direction or Decision on Interim Initial Rates;

Commissioner Mood moved to approve the Interim Initial Rates for Northridge Water Company in D2007.3.26. Commissioner Raney seconded the motion, which passed 4-1. Commissioner Molnar voted no.

APPEARANCE

Leroy Beeby, Utility Division

(210) In the matter of the Commission's discussion of D2006.8.130-Energy West Continuation of Environmental Surcharge;

Commissioner Jergeson moved to issue the final order with nonsubstantive minor edits in D2006.8.130. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Eric Eck, Utility Division
Al Brogan, Legal Division

(211) In the matter of the Commission's discussion of D2007.4.39-NorthWestern Energy request for an Accounting Order Authorizing the Accumulation of the Costs of Funding Participation in Northern Tier Transmission Group.

Commissioner Raney moved to deny NorthWestern Energy's request for an accounting order in D2007.4.39. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator Utility Division

(212) In the matter of the Commission's discussion of Out-of-State Travel for: (1) Bryan Baldwin's travel to MARC/OMS in Minneapolis, June 19-20. (2) Will Rosquist's travel to Monterey, CA, June 27-29, for Rutgers Center for Research in Regulated Industries' 20th Annual Western Conference.

Commissioner Raney moved to approve the out-of-state travel request for Bryan Baldwin and Will Rosquist. Commissioner Mood seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GREG JERGSON, Chairman

DOUG MOOD, Vice Chairman

BRAD MOLNAR, Commissioner

ROBERT H. RANEY, Commissioner

KEN TOOLE, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)